

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY  
CIVIL DIVISION

Delcene Woodberry,  
2504 Iverson Street  
Temple Hills, Maryland 20748

Plaintiff,

vs.

Dollar Tree Store  
850 Largo Center Drive  
Upper Marlboro, Maryland 20774

Defendant.

Ca L-17-38381

2017 REC 15 PM 2:51  
PR GEO CO MD #14

Clerk of the  
Circuit Court

COMPLAINT

(Negligence – Personal Injuries – Store Gross Negligence)

COMES NOW Plaintiff Delcene Woodbury ("Delcene") by and through her counsel, J. B. Dorsey & Associates, and sues the Defendant Dollar Tree Store, and states as follows:

1. The Court has jurisdiction over the subject matter and over the parties named in this suit, in that the matter complained of herein occurred in Prince George's County Maryland.
2. Plaintiff Delcene, is an adult citizen of the United States, and resides in the State of Maryland at the address listed above.

3. Defendant Dollar Tree Store ("Dollar Store"), is store doing business in the United States, and conducts business in the State of Maryland at the address listed above.

## COUNT I

### **(Negligence -Dollar Store)**

4. On or about May 19, 2016, Plaintiff Delcene was an invitee of the Dollar Store there to purchase some items for her home.

5. As she shopped in the store, suddenly and without warning Delcene was struck in the back by a large cart being pushed by an employee of the Defendant Dollar Store.

6. The employee had piled the cart so high so as to not be able to see Plaintiff walking in front and struck Plaintiff hard in the rear. After the hit the employee ran away.

7. The Defendant employee's actions were acts of gross negligence, which has seriously and permanently injured Plaintiff.

8. At all relevant times herein, Defendant Dollar Store through its employees and agents acted with gross negligence and recklessness in the operation of its store in violation of the State of Maryland Laws and Regulations in keeping safe its store premises for its invitees.

9. At all relevant times herein, Defendant Dollar Store, through its employees owed a duty to Plaintiff Delcene not to permit

its store to become so dangerous and unsafe for its invitees in accordance with the laws in effect at the time of the incident. Defendant Dollar Store through its employees breached said duty owed to the public and carelessly, recklessly and with gross negligence operated its store so as to cause Plaintiff Delcene severe injuries.

10. Defendant Dollar Store, through its employees, acted reckless and negligent which include, but are not limited to, the following:

- a. failure to warn Plaintiff of the unsafe store conditions,
- b. failure to warn the Plaintiff specifically of any and all negligent actions of its employees;
- c. failure to allow employees to pack carts so high to cause injury to Plaintiff and other invitees;
- d. Plaintiff also relies on the doctrine of Res Ispa Loquitur, and
- e. The Defendant was otherwise negligent.

11. As a direct and proximate result of the negligent and reckless acts of the Defendant, Plaintiff has suffered serious and painful injuries, that are permanent in nature. Plaintiff has suffered and will continue to suffer discomfort and mental anguish in the future.

12. As a further direct and proximate result of the negligent and reckless acts of the Defendant, Plaintiff has incurred and will continue to incur in the future, hospital, doctor, and other medical related expenses to heal her injuries. Plaintiff has suffered and will continue to suffer lost earnings in the future.

WHEREFORE, Plaintiff Delcene, demands judgment against Defendant Dollar Store in the sum of more than Five Hundred Thousand Dollars (\$500,000.00), plus costs and interest.

## COUNT II

### (Gross Negligence)

13. Plaintiff hereby repeats the above paragraphs 1-12 as if there were listed herein.

14. On or about May 19, 2016, Defendant Dollar Store was the owner of the store premises located in Prince George's County Maryland.

15. It is the employer of store employees who worked for it and who piled its hand carts high with items and pushed these dangerous carts in the aisles. Such actions were done intentionally and was the practice of the Dollar Store employees.

16. The Dollar Store employee pushed these dangerous carts with acts of gross negligence and struck Plaintiff Delcene in the back causing her to hit the floor and pass out.

17. At all relevant times herein, Defendant Dollar Store through its employees acted with gross negligence and recklessness in the operation of its store in violation of the State of Maryland Laws and Regulations in keeping its store safe for invitees.

18. Defendant Dollar Store through its employee's reckless and negligent acts and/or omissions include, but are not limited to, the following:

- a. failure to warn Plaintiff of the unsafe store conditions;
- b. failure to warn the Plaintiff specifically of any and all negligent actions of its employees;
- c. failure to allow employees to pack carts so high that cause injury to Plaintiff and other invitees;
- d. Plaintiff also relies on the doctrine of Res Ispa Loquitur, and
- e. The Defendant was otherwise negligent.

19. As a direct and proximate result of the negligent and reckless acts of the Defendant, Plaintiff has suffered serious and painful injuries that are permanent in nature. Plaintiff has suffered

and will continue to suffer discomfort and mental anguish in the future.

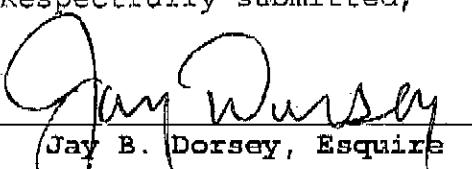
20. As a further direct and proximate result of the negligent and reckless acts of the Defendant, Plaintiff has incurred and will continue to incur in the future, hospital, doctor, and other medical related expenses to heal her injuries and Plaintiff has suffered and will continue to suffer lost earnings in the future.

21. Plaintiff hereby demands punitive damages for the intentional acts of the Defendant employee.

WHEREFORE, Plaintiff Delcene, demands judgment against Defendant Dollar Store in the sum of more than One Million Dollars (\$1,000,000.00), plus costs and interest as punitive damages.

Respectfully submitted,

By

  
Jay B. Dorsey, Esquire  
J.B. Dorsey & Associates  
146 Tennessee Avenue, N.E.  
Washington, D.C. 20002  
(202) 543-2200  
Counsel for Plaintiff

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Defendant. )

**Request for Jury Trial**

Plaintiff hereby requests trial by jury as to all issues.

Jay B. Dorsey  
Jay B. Dorsey, Esquire

Clerk of the  
Circuit Court

2017 DEC 15 PM 2:52

PR GEO CO MD #14